



ENVIRONMENTAL

THE STATE OF NEVADA

PERMIT TO APPROPRIATE WATER

Name of applicant: NEWMONT USA LIMITED
Source: UNDERGROUND
Basin: BOULDER FLAT
Manner of Use: ENVIRONMENTAL
Period of Use: January 1st to December 31st
Priority Date: 10/21/2010

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This environmental permit is issued pursuant to the provisions of NRS 533.4375, and provides for the completion of multiple extraction wells within the same quarter-quarter section, as long as the permitted amount is not exceeded. It is understood that the amount of water herein granted is only a temporary allowance for pollution control as mandated by orders issued by the Nevada Division of Environmental Protection. The right will cease to exist upon termination of clean up activity, as determined by the Nevada Division of Environmental Protection, and the permittee shall notify the State Engineer within 30 days after the completion of the remediation project. All wells shall be plugged and abandoned in accordance with Chapter 534 of the Nevada Administrative Code. A totalizing meter must be installed and maintained in the discharge pipeline and monthly records of this measurement shall be submitted on an annual basis not later than February 15th of each year. If additional wells are drilled under this permit, a new mylar map showing the surveyed locations must be submitted with the annual report.

This environmental permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this environmental permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(Continued on Page 2)

The point of diversion and place of use are as described on the submitted application to support this permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.25 cubic feet per second or 181.0 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

November 30 2011

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

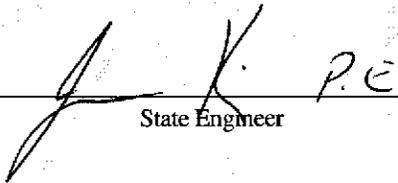
N/A

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 30th day of **November**, A.D. **2010**



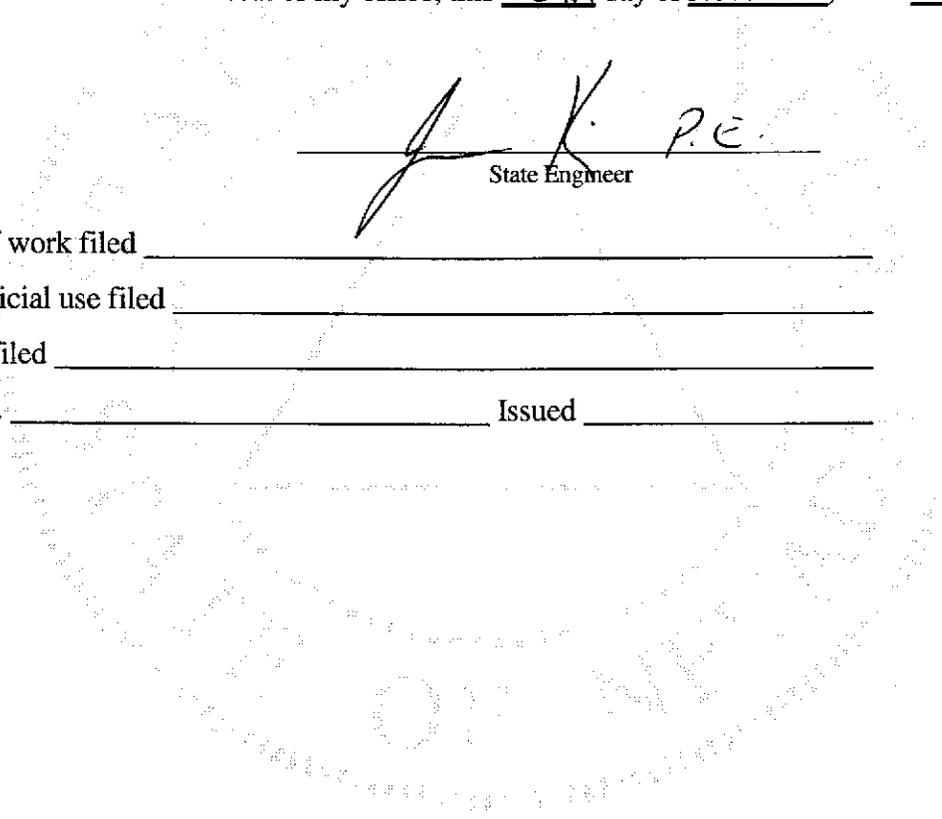
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____



**APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADA
FOR ENVIRONMENTAL PURPOSES**

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office OCT 21 2010

Returned to applicant for correction

Corrected application filed Map filed OCT 21 2010

The applicant Newmont USA Limited

Environmental Department, 1655 Mountain City Hwy. of Elko
Street Address or PO Box City or Town

Nevada, 89801 hereby make(s) application for permission to appropriate the public
State and ZIP Code
waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of
incorporation; if a copartnership or association give names of members.)

Incorporated on April 19, 1965 in Delaware

1. The source of the proposed appropriation is Underground - M42W-BD
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 0.25 second feet.
One second foot equals 448.83 gallons per minute

(a) If stored in reservoir, give number of acre-feet _____

3. Remediation Order or Letter (attach copy)

(a) Issued by NDEP-BMRR

(b) Order, Permit or Plan number WPC Permit NEV0087065

(c) Date issued Jul 30, 2010

4. The water is to be diverted from its source at the following point:
within the NE¼ SW¼, Section 32, T36 N., R50 E., M.D.M., at a point from which the S¼ Corner of Section 3,
T35 N., R50 E., bears S 15° 39' 19" E a distance of 7212 feet.

Describe as being within a 40-acre subdivision of public survey, and by course and distance to section corner. If on unsurveyed land, it should be so stated.

61-EU

5. Place of use:

Section 32, T36 N., R50 E., M.D.M. & Section 3, T35 N., R50 E., M.D.M.

Describe by legal subdivision. If on unsurveyed land, it should be so stated.

6. Use will begin about January 1 and end about December 31 of each year.
Month and Day Month and Day

7. Description of proposed works.

Drilled, cased with motor and pump, totalizing flow meter, and pipeline to the place of use.

State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.

8. Estimated cost of works \$25,000

9. Estimated time required to construct works
30 days

If well completed, describe works.

10. Remarks: Describe project

The attached "Response to Second Quarter 2010 Corrective Action Plan (CAP) Progress Report," which was submitted by Nevada Division of Environmental Protection (NDEP) and dated July 30, 2010 describes the project under item #1. This is 1 of 3 monitoring wells that will be converted to a pump-back well as required by NDEP.

RECORDED
2010 OCT 21 AM 11:17
STATE ENGINEERING OFFICE

(775) 778-4318

Phone Number

Bryce.Vorwaller@newmont.com

E-mail

**APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT**

By

Bryce Vorwaller

Signature, applicant or agent

Bryce Vorwaller

Name

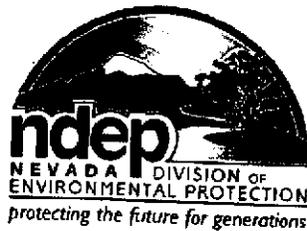
1655 Mountain City Hwy.

Street Address or PO Box

Elko, NV, 89801

City, State, ZIP Code

\$150 FILING FEE MUST ACCOMPANY APPLICATION



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

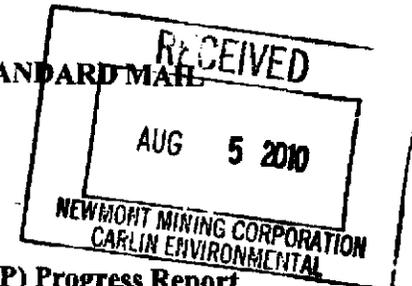
Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

July 30, 2010

Ms. Beth Ericksen
 Manager, Environmental Compliance
 Newmont Mining Corporation
 1655 Mountain City Hwy
 Elko, NV 89801

VIA EMAIL & STANDARD MAIL



**Re: Response to Second Quarter 2010 Corrective Action Plan (CAP) Progress Report
 North Area Leach Project, Eureka County, Nevada
 Nevada WPC Permit No. NEV0087065**

Dear Ms. Ericksen:

The State of Nevada Division of Environmental Protection – Bureau of Mining Regulation and Reclamation (NDEP-BMRR) has reviewed the Corrective Action Plan (CAP) quarterly report referenced above, which is dated July 27, 2010, and was received from Newmont Mining Corporation (NMC). Quarterly progress reports are required as part of the October 29, 2009 CAP, which was approved by NDEP-BMRR on November 12, 2009. The CAP was required in the August 31, 2009 NDEP-BMRR Finding of Alleged Violation and Order, which was written in response to contamination of groundwater with nitrate + nitrite, allegedly from the Mill 4/2 tailings storage facility (M4/2-TSF).

NDEP-BMRR accepts the CAP report with the following comments and requirements.

1. **Conversion of Additional Monitoring Wells to Pump-Back Wells.** NDEP-BMRR concurs that a plan for additional pump-back wells is needed now that exceedances of Profile I reference values have been confirmed in several new monitoring wells down-gradient of the three current pump-back wells. However, since the conversion will include new process components (piping, etc.), the plan must be submitted as an Engineering Design Change (EDC) application, with drawings of all new or modified process components stamped by a Nevada professional engineer. As discussed July 29, 2010 on the phone, please submit the EDC and fee by **September 15, 2010** (earlier if possible). NDEP-BMRR requires commissioning of the approved pump-back wells by **November 1, 2010**.
2. **Proposed Monitoring Changes.** Please revise the proposed monitoring changes as follows and resubmit them with the EDC application discussed above.
 - a. To minimize confusion, Water Pollution Control (WPC) permit NEV0087065 should be updated to incorporate all CAP monitoring requirements. Therefore, be sure to include all CAP monitoring, as revised, in the EDC application.
 - b. Based on the monthly data obtained thus far, NDEP-BMRR concurs that monthly analyses are no longer necessary for any of the existing pump-back or monitoring wells (including the "Sequel" wells). The monthly monitoring required in the WPC

